

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 3:12-CR-00062-002-HEH
	)	
DUANE BROOKS JEFFERSON,	)	
<i>Defendant.</i>	)	
_____	)	

**RESPONSE OF THE UNITED STATES TO  
COURT’S ORDER REGARDING DEFENDANT’S ELIGIBILITY  
FOR A REDUCTION OF SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)**

The United States of America hereby responds to the Court’s order of December 23, 2014 regarding defendant’s eligibility for a modification of sentence pursuant to 18 U.S.C. § 3582(c) to reduce his term of imprisonment under U.S.S.G. App. C amend. 782. Amendment 782 becomes retroactive to defendants previously sentenced on November 1, 2015. *See* U.S.S.G. App. C. amend 788 (“The Court shall not order a reduced term of imprisonment based on Amendment 782 unless the effective date of the court’s order is November 1, 2015 or later.”) Pursuant to U.S.S.G § 1B1.10, Application Note 6 (2014), any order reducing the defendant’s term of imprisonment must have an effective date of November 1, 2015<sup>1</sup> or later.

The United States agrees that effective November 1, 2015, the defendant will be eligible for relief and would have a revised, restricted guideline range as set forth in the Drug Guidelines Amendment Application Worksheet (ECF No. 32). Specifically, under Amendment 782, the defendant’s offense level total would be 31. His criminal history would remain a Category III. His new advisory guideline range would be 121 to 151 months. Defendant was sentenced at the

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<sup>1</sup> November 1, 2015 is a Sunday. Accordingly, it would be advisable that any Order reducing the defendant’s sentence be effective November 2, 2015. Any order taking effect prior to November 1, 2015 is not authorized under 18 U.S.C. § 3582(c)(2). U.S.S.G. § 1B1.10 App. Note 6 (2014).

highest end of his applicable advisory guideline range. Thus, an equivalent sentence under Amendment 782 would be 151 months.

The defendant's currently projected date of release is June 28, 2027.

According to defendant's most recent progress report, the defendant has completed a number of substantive educational courses, including courses in marketing, business accounting, business leadership, economics, and business communication, and vocational training including a CDL study course and a real estate course. Additionally, defendant is currently working as a plumber while serving his sentence. Defendant's only disciplinary action arose out of being absent from a work assignment.

The government is unaware of any specific considerations for public safety.

The government does not oppose the defendant's motion, and agrees that the defendant's comparable sentence under Amendment 782 would be 151 months on Count One, effective November 1, 2015, or later. Defendant's sentence on Count Two would remain 120 months, to run concurrently with the sentence imposed on Count One. The government has estimated the defendant's projected release date based on the application of Amendment 782 and his earned and projected good credit time and has determined that his adjusted sentence would **not** result in a time-served sentence as of November 1, 2015. Accordingly, defendant would not be prejudiced by an Order effective November 2, 2015.

Respectfully submitted,

DANA J. BOENTE  
UNITED STATES ATTORNEY

By: /s/  
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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June, 2015, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notice of this filing to counsel of record.

/s/  
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